

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PHIL NEUMAN,

Plaintiff,

20-cv-10723 (PKC)

-against-

ORDER

JOSE GARCIA,

Defendant.

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CASTEL, U.S.D.J.

The Court has letters from plaintiff (ECF 136, 141, 142) and defendant (ECF 135, 138, 140) regarding discovery disputes. The discovery disputes erupted shortly after the Court denied defendant's motion for a stay in favor of proceedings in Luxembourg. (Order of Feb. 6, 2023.)

Having reviewed the parties' submissions, the Court ORDERS as follows:

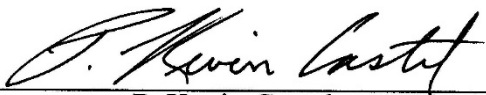
1. Garcia seeks to compel production of documents from Neuman relating to communications with Commission de Surveillance du Secteur Financier. Neuman has agreed to produce the documents subject to objections on their admissibility. (ECF 135, 138). Garcia's request to withdraw his letter of February 17, 2023 is granted. (ECF 138 seeking to with ECF 135.)

2. Neuman seeks production of documents from Garcia concerning “Neuman’s status as President of [Carlisle].” The Court agrees that the documents are relevant to Neuman’s claim for declaratory judgment relating to the April 27, 2012 Settlement Agreement. The Court acknowledges that there is not a specific allegation in the Complaint that Neuman was removed as President, but it is intertwined with his denial of access claim.
3. Neuman seeks documents concerning the creation and incorporation of Pillo Financials and Pillo Portsmouth, the acquisition by either Pillo entity of ownership of the Company or the General Partner or the transfer or sale of assets of either Pillo entity to a third party. (Doc Reqs. 2, 3, 4, 5, 6, 7, 8, 9 and 23. Garcia shall produce all documents responsive to these requests (a) concerning Neuman or (b) concerning the transfer of ownership interests in the Company and the General Partner from Pillo Financial to Pillo Portsmouth. See Local Civil Rule 26.3(c) for definitions of “all,” “documents” and “concerning”. Garcia need not otherwise produce documents within the scope of those requests concerning “the Company, the General Partner, or their business, i.e. the life settlements market..”
4. Garcia shall appear for an in-person deposition at a mutually agreed upon time and location in Luxembourg within the next 30 days. Neuman has agreed to pay Garcia’s counsel’s expenses in travelling to Luxembourg and will be held to that agreement. (ECF 142 at 2.) Each side shall bear

all other of their costs relative to the deposition, without prejudice to any application for the taxation of costs at the conclusion of the action.

All other requested relief by either party is denied. The Clerk shall terminate the letter motions. (ECF 136 & 141.)

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
March 6, 2023